[12th December 1938

(*b*) The particulars asked for are given below, seriatim :—

(1) Mr. B. C. Savage.

(2) Illicit tarnsport of three bottles of whisky.

(3) Sub-section 1 (*a*) of section 4.

(4) A fine of Rs. 500 (five hundred rupees).

(5) & (6) There was no appeal against the punishment.

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II.—REPORT OF THE ESTATES LAND ACT COMMITTEE.

* THE HON. SRI T. PRAKASAM :—" Sir, with your permission and the permission of the Hon. the Leader of the House, I present the Report of the Estates Land Act Committee which was constituted by this House on the 10th September 1937. I would request you to fix the 27th January 1939 for the consideration of this subject in this House."

MR. PRESIDENT :—" I fix the 27th January 1939 as the date for the discussion of the Report of the Estates Land Act Committee."

III.—GOVERNMENT BILLS.

(1) THE REMOVAL OF CIVIL DISABILITIES BILL (L.A. BILL NO. 9 OF 1937) AS PASSED BY THE ASSEMBLY.

* THE HON. DR. T. S. S. RAJAN :—" Sir, I move—

' *That the Bill* [a] *to provide for the removal of civil disabilities among certain classes of Hindus* (*L.A. Bill No.* 9 *of* 1937) *as passed by the Assembly be taken into consideration at once.*'

" It is unnecessary for me to go into any detail with regard to this Bill that has come before this House. This Bill was originally introduced in the Central Assembly in the year 1936 when Mr. Rajah was a member of that Assembly. It was circulated for opinion all over the country on a reference made by the Government of India and a large volume of opinion was collected. But, on account of the exigencies of political situation in the country, the sponsor of the Bill was not able to continue the further progress of the measure in the Central Assembly. Meanwhile, the present Government of India Act has come in by which power is given to the Local Governments to tackle the question. So, this Bill was introduced in the Madras Legislative Assembly during March this year.

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[a] Printed as Appendix X on pages 86–87 infra.

12th December 1938] [Dr. T. S. S. Rajan]

"It was referred to the Select Committee and when it came before the House there was a full-dress debate and it was unanimously passed by the House. It has since been referred to the Council for discussion and on behalf of the Government I have undertaken to pilot this measure in this House. 11-45 a.m.

"The object of this measure is simply to enable certain classes of Hindus known as Harijans, untouchables, depressed classes and others to be put on the same footing as other Hindus, particularly in relation to public offices, access to public streets, rivers, public wells, tanks, pathways and means of transport. It is also the intention that no courts, civil, criminal or revenue, shall recognize any form of usage and give legal sanction for the perpetuation of such usage, which on the face of it is illegal. Since then the subject has been discussed by the public and there has been a tremendous change in public opinion in favour of the removal of these disabilities. The Madras Local Boards Act definitely lays down that the use of no institution of a public nature shall be denied to any section of the public. But the Local Boards Act does not cover the restrictions in transport, and in particular with regard to public conveyance and sanitary conveniences and other things. I am most certain that this measure is non-controversial. It has come rather too late in the day according to me. It has disfigured the statute-book for a number of years and the usage has been sanctified by courts and has acted in a way which is absolutely against the spirit of modern times. These classes of people have been prevented partly on account of the custom and partly on account of their economically depressed condition. Even to-day in areas where the caste Hindus are powerful, I am afraid any amount of legislation may not help them, for any law to be worked requires the co-operation and the definite help of those for whom it is intended. The law can be defeated in many dubious ways, and certainly the economic consideration of the caste people who are better off than the depressed classes does act as something which is in the way of proper fulfilment of this enactment. But once this is placed on the statute-book I expect that the machinery of the Government will be used for its fulfilment. Personally I am aware of a tank in my own district to throw open which I have been at work nearly seven or eight years. The caste Hindus have persisted in their action. Although the idea and the sympathy of the District Magistrate and those responsible for the administration of the district are for opening it, I am sorry to say I have not been successful. It is because of this that the difficulty in carrying out this piece of legislation in far-off and out-of-the-way places is a thing which is the problem of the Government. But once this Act is put on the statute-book, probably it will give us the additional strength which we require. I do not think any further argument from me is necessary. It is a

short Bill of a few clauses, and I do not think the House will find any difficulty in accepting it. Sir, I move that the Bill be taken into consideration at once."

* SRI DIWAN BAHADUR R. SRINIVASAN:—" Sir, it is very encouraging to me to find the Mover of the Bill and the Premier are Brahmans and Aryans. Their ancients introduced the caste system and caused all these troubles to the people. Now this is not a movement of four or five years. This is a movement which was started sixty years before. If you permit me a few minutes, I shall just explain how this movement began. In 1772 the British Parliament moved the Madras Government to ameliorate the conditions of the depressed classes and establish the rights of these people. There was correspondence between the British Parliament and the Madras Government. To a certain extent some work was done. It was dropped. Again in 1818 the British Parliament pressed the Madras Government to uplift these people. Then the Revenue Board ordered the district collectors to report. Nothing was done, until 1892. Then again in 1893 a Government Order No. 68, dated 1st February, was issued to impart education to these people. I will refer only to a few cases. Now 120 years had elapsed but nothing had been done and the British Government had been pressing throughout. The cause of this was to be traced to the caste Hindus. You will find that from the village munsif to the staff of the Revenue Board the offices are always held by caste Hindus. Every effort made by the Government was frustrated. In 1893 when they introduced this Government Order to give education to the depressed classes, no Hindu would come forward to teach them and the proselytisers would not countenance this Order because it would not help them. The Government Order was very liberal and was hailed as the Magna Charta of the depressed classes. So no further effort was made and the Government Order was reduced to a dead letter. Well, Sir, that was in 1893. I started a journal to give voice to the voiceless millions. The inarticulate community was shaped into an organized entity. Since then education has been imparted to the depressed classes. Hon. Members who have watched for the last thirty or forty years know the events. Within a year or two since I started the paper, the community was able to reach the Imperial Parliament. Since then they have been working regularly. In spite of waves of opposition they have advanced steadily and have come forward to-day to take a share in the administration, and have advanced in many other matters.

" So, if proper facilities are given, I daresay they will come forward very soon. I do not want to take much time, Sir. To give effect to the amendments to the Local Boards and Municipalities Act, what the Government should do is to give wide publicity to this Bill after its enactment, together with the

12th December 1938] [Sri R. Srinivasan]

amendments to the above Acts by beat of drums in every village in the Province. This is an important matter. Such work should not be entrusted to any institutions or to anybody else. Now that the Bill has been introduced I hope the Government will be successful in their efforts to improve the community.''

* MR. J. A. SALDANHA:—" Mr. President, while supporting the fundamental principle of the Bill, I am at a loss to see what sanctions there are for the infringement of the pious wishes expressed in the Bill. What is necessary in all these Acts is that when the Government lay down certain principles for being carried out, if there be an infringement of a principle, provision should be made for penalties. For instance a Bill was brought forward by Mr. Veerian for amending the Local Boards Act to remove the disabilities of the public regarding the use of markets and tanks. It was passed into law in 1926. There is a provision in the existing Local Boards Act prescribing a penalty for the infringement of the rights laid down by obstructing the use of a public road or market. Then I myself brought forward a Bill in 1927 for amending in similar or wider lines the District Municipalities Act and that Bill was passed into law in 1929; and there also there is a provision for obstructing the use of public roads, markets, etc. Afterwards there was an Act brought forward by the Government to make it much more comprehensive and removing other disabilities under the Local Boards Act and the District Municipalities Act. There also penalties are provided. I find that, in 12 this Bill, there is no provision for punishing a man who prevents noon. the enjoyment of any of these privileges. It is simply stated in the Bill that no civil or criminal or revenue court shall recognize any custom or usage; this will lead to nothing if there is an infringement of the custom. Penalties are provided for under the District Municipalities Act and the Local Boards Act; but there is no provision for punishment in this Bill. Of course this Bill is more comprehensive than the provision found in the District Municipalities Act and the Local Boards Act. This Bill refers not only to public streets, rivers, wells and tanks, but also to sanitary conveniences and means of transport, etc. But suppose a member of the Harijan community suffers some disability, or is prevented from using either a public latrine or a means of transport, for instance a motor-bus, etc., which are used by members of other communities. What is there to bring the offender to a court and to punish him for obstructing a person from using it? It is my humble opinion that this Bill is defective from that point of view. I hope the Hon. Minister will be able to explain this matter; if not, I think, sooner or later, there ought to be a further Bill brought forward to meet this defect. I consider this to be a very serious defect.''

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—" Mr. President, I have much pleasure in supporting the Bill

[Sri N. R. Samiappa Mudaliyar] [12th December 1938

which is calculated to remove an age-long blot on the Hindu religion and Hindu culture. My only regret is that in this enlightened 20th century, there should have been the necessity to bring in such a measure. If acted upon in the spirit and in the manner in which it ought to be acted upon, I have no doubt it will lead to all-round progress of the Hindu community and the general advancement of the country at large in the political world. I hope that persons belonging to the so-called higher castes who are more fortunately placed either in the matter of wealth or in the position they occupy in public life, would not, while paying lip sympathy to the object of this Bill, circumvent its provisions in actual practice. I should particularly tell the Government to see that the local boards under their control give effect to the provisions of this law, in letter and spirit. If I refer to local boards, it is because I have in my mind a particular instance wherein attempts are being made to divert the existing main road along a circuitous route running through the backyard of the houses just because the so-called high caste residents of that village could not brook the idea of the Adi-Dravidas walking in front of their houses. The Hon. the Leader of the House told us his experience about a tank in his district. It may be a private tank and if so, it concerns a private party. But in the case of public roads, and pathways which are under the local boards, I hope the local board will not be allowed to try to circumvent the law by transferring or diverting the road. I hope the Government will not allow such a thing to happen, if and when such cases are brought to their notice. While, therefore, giving my support to this Bill, I will exhort every one concerned to see that this Act does not become a dead letter."

* SRI RAO BAHADUR M. RAMAN:—" Mr. President, I have very great pleasure in supporting this Bill, although it is only a consolidation of the provisions of certain Acts which are already there. But I would like the title of the Bill to be changed. In the place of 'among certain classes of Hindus,' should be substituted the words 'among certain classes of persons.' Not only the Adi-Dravidas, but other classes of persons also are prevented from making use of these roads, common wells, etc. Even Christians, Muhammadans and others are prevented from using public places. Indian Christians suffer a great deal with regard to the use of public wells, etc., they will not be allowed to use wells, roads, etc., very near *agraharams*. I would therefore appeal to the Government to change the title of the Bill, as I have suggested, so that the Bill might apply to all people, not only to Adi-Dravidas, but to all persons."

* THE HON. DR. T. S. S. RAJAN:—" Sir, I am very thankful to hon. Members of the House for the more or less unanimous support they have given to this Bill. With regard to the remarks

of Diwan Bahadur Srinivasan, I may say that the ignorance of people with regard to this law is not so much an obstacle as the prevailing practice or custom; that is the impression that I have been able to gather. People have known very well for a number of years that there is a law which enables them to go to public places. The tank which I referred to when I started the discussion is not a private tank; it is a tank which is under the control of the district board. People were told that the district board being a public institution, and the tank being public property, they would not be prevented from using it; but the whole of the caste Hindu population of that village would not admit all people to use it. An appeal was sent to the Collector. He should have stood by the provisions of the Act; but he said, 'Look here, I cannot post a posse of constables for three months and protect you; if you are allowed to take water from the tank, the whole village will protest against it and in the interest of public peace and safety, I cannot possibly support your movement and provide Police aid for enjoying this ordinary and simple civic amenity which people have a right to enjoy at any time.' It is not so much a question of change of the law or of the protection to be afforded by the Police, as it is a change of heart of the people that is required. I realize the absolute injustice of preventing ordinary human beings including Mussalmans from having the benefit of a protected water-supply. For the information of the hon. Member, Mr. Raman, I might say that even Harijans who have been converted to other faiths, are not prevented from using public tanks. Even animals use the tank; and here is an instance of human beings being prevented from using it. Yet as many a thousand of caste Hindus maintain that they are right in preventing some people from using the tank, laws can take us to a certain extent only; even enactments may not take us very far in a matter which has to be decided with the consent and change of heart on the part of the thousands of villagers, among whom the Harijans live."

* Sri Diwan Bahadur R. SRINIVASAN:—"The members of the depressed classes say, 'Give us Police aid and protection; in a month's time, we will clear untouchability.' I think that can very well be done."

* The Hon. Dr. T. S. S. RAJAN:—"I think my hon. Friend, Diwan Bahadur Srinivasan, does not want the Government to sit with folded hands, if civil war breaks out in every village; we cannot certainly sit quiet in the name of law and order, whatever may be the consequences. But we expect that with the support of law which the Government is prepared to give and with the subsequent legislation that is coming in the wake of this legislation, I mean the Temple Entry Bill, when once the temples are thrown open and the Harijans are given the privilege

of entering the temples along with other Hindus—naturally most of these disabilities will disappear. That is why we lay so much stress on the temple entry movement. The hon. Member knows that the other House has passed the Temple Entry Bill as applied to Malabar; when once the Malabar temples are thrown open, we are confident and almost certain that all the temples of the Province will be thrown open. With the throwing open of the temples, I am almost certain that every disability under which the Harijans suffer as a class, will eventually disappear.

"But, so far, the present usage has been in existence and the law at present recognizes it. This law is being knocked on the head now; hereafter it shall not be open to a judge or a court of the land, to say that because the Harijans did not enjoy the privilege of using a tank for over 200 years, they should not use it hereafter; the present legal claim will disappear by the passing of this enactment.

"With regard to the penalties for breaches of this law, they are there already. If a motor-bus conductor refuses to take a Harijan passenger, he will be punished according to law; his licence will be cancelled. The licence says definitely that the conductor of a bus should take anybody, including a Harijan, who offers a fare, from one place to another; if he refuses, he will be punished according to law. If a man is obstructed from using a sanitary convenience, the offender will be punished for so doing. Therefore the law is not defective. Therefore I can assure my hon. Friend, Mr. Saldanha, that there will be no obstacle at all in the way . . ."

* MR. J. A. SALDANHA:—"For instance, if a bus-driver refuses to carry a passenger, under what law can he be punished?"

* THE HON. DR. T. S. S. RAJAN:—"His licence will be cancelled. It is clearly laid down in the licence granted that he is bound to carry any passenger; if he does not, he will be punished according to law.

"With regard to the observation of Mr. Raman, I wish to say that the Harijans are within the Hindu fold. As for the Christians and members of other faiths, they are not Harijans at all, they are not members of the excluded classes. When once a Harijan becomes a Christian, he ceases to be an untouchable, or outcaste. Moreover, missionary institutions and those bodies of people who are responsible for changing the faiths of persons, take very good care to see that such disabilities that are attached to members of the Hindu fold, do not apply to those who change their faiths. This Bill goes to the help of Harijans who are prevented by long custom from enjoying certain rights,

12th December 1938] [Dr. T. S. S. Rajan]

and who are not treated as human beings. I do not think I should say anything more. This is a very small and simple Bill and I am glad that the House has supported it."

The motion was put and carried and the Bill was taken into consideration. 12-15 p.m.

Clause 2.

* SRI DIWAN BAHADUR R. SRINIVASAN:—" Sir, I move that—

> *'In line 4 of clause 2, for the word 'Harijans' the words 'Adi-Dravidas, Scheduled Castes' shall be substituted.'*

" Sir, that saintly man Mr. Gandhi, for whom I have great regard, has always sought trouble. Calling persons by certain names may be an insult. This poor Indian community is called by the name of 'Harijans.' If you call a girl by several sweet names she will go cross. If I turn to my hon. Friends the Mussalmans and tell them that I am a son of God and that they are the sons of Satan, what will be the result? They will give me something which I will not like. Similarly, if I tell my Christian friends some such thing, they will make it hot for me. When Mr. Gandhi calls us 'Harijans,' i.e., that we are the children of God—as if all the others are children of the devil, the others won't like it. There will be trouble.

" It will be seen that the terms 'Adi-Dravida,' 'Adi-Andhra' and 'Viswa Brahmana' were all proposed by the communities themselves; and that, too, with the consent of the community concerned. As a matter of fact these measures were discussed in this House and the Government of the day also accepted those terms. It is not fair for any person to call a community by any name he likes; simply because Mr. Gandhi has called them 'Harijans,' to-morrow some other person will give them a different name, and the day after some other person will come and give them yet another name. Are we to submit to all these insults? Are we not human beings; is there no voice for us to ask that nobody should take advantage over us?

" Then again, Sir, Adi-Dravida is a historic word and the Scheduled castes are proud of their name. Some belong to an ancient family such as 'Samhavas'; there are the Konkas who came from the Konga country; and there are so many other communities, each with its historic traditions, of which they are proud. In Tamil the Scheduled castes are called 'ஐக்யசங்கத்தார்.' If their historic traditions are not respected, I am sure there will be future trouble between the caste Hindus and the Scheduled castes, if that word 'Harijan' is left as it is. The other day,

[Sri R. Srinivasan] [12th December 1938

Sir, there was a row between a depressed class man and a Christian when the latter tapped on the shoulder of the former and said, 'Oh! Harry John, how are you getting on?' Why? Because these people are called by Mr. Gandhi as 'Harijans.' Mr. Gandhi has not taken the consent of these people to give them that name; nor did the community go and ask him to baptise them by that name. When he was asked for the reason, Mr. Gandhi told me that he had asked somebody about it and that man had said that 'Harijan' would be a suitable name, and so he had adopted the name which he thought best. Leaving Mr. Gandhi alone, I move, Sir, that the word 'Harijans' be substituted by 'Adi-Dravidas, Scheduled Castes.'"

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"I second it, Sir."

* THE HON. DR. T. S. S. RAJAN:—"Sir, in the Bill that has been circulated to hon. Members of this House, the passage relating to this amendment runs thus:

> 'Whereas it is increasingly felt by the Hindu community that the disabilities which are imposed by social custom and usage on certain classes of Hindus commonly known as Harijans, Untouchables, or Depressed Classes and which have been in certain matters . . .'

"In fact, the one objection of Diwan Bahadur R. Srinivasan seems to be to the use of the word 'Harijan,' but he need not drag in Mahatma Gandhi into this discussion. Let us see, what the word 'Harijan' itself connotes. 'Hari' is the name of God and 'jan' means people; and therefore 'Harijans' means 'people of God.' It means nothing more than that, and it does not require Gandhiji's blessing or the acute intellectual interpretation of Mr. Srinivasan to divine any ulterior motive in the use of the very simple word, which, after all, means 'people of God.'

"I would, as a Vaishnavite and as one who knows something about Vaishnava doctrines, call the attention of my hon. Friend to the word in Tamil called 'Tirukkulathar,' which was introduced by the famous reformer Ramanuja. He would not call these people as Adi-Dravidas and although he was born in the Tamil country and was preaching his faith to the Tamil people he never coined the word 'Adi-Dravida.' In his days he admitted thousands of these people into the temple at Melkote and even to-day that practice is continued. He called those people 'Tirukkulathar' meaning thereby, people who belonged to the family of God. So, nothing new has been found out now; we only want to extend our heart-felt sympathy to those people who have been wilfully and ignorantly kept out of society by our own people. We felt it was our duty to give them a position by

12th December 1938] [Dr. T. S. S. Rajan]

giving them a name which means 'God's people.' I really do not see there is anything to fight over the word. What is there in the term 'Adi-Dravida' which makes you say that they were probably earlier in existence than the Dravidas themselves? But, what is Dravida? There are Adi-Andhras; Adi-Karnatakas, and all sorts of 'Adis.' The question is not who came first or who came last. The question is the admitting of a certain class of people who to-day are kept out of the Hindu fold, and what amount of recognition they should get; and so the term has been defined. But we have not confined it to only a certain section; it refers to Harijans, Untouchables and Depressed Classes, and the whole term is comprehensive. I am really surprised at the amount of vehemence imported into the meaning of this term by my hon. Friend, Mr. Srinivasan. I have got a lurking feeling in my mind that he has some objection to the word 'Adi-Dravida' itself and it was probably that that was at the back of his mind; probably he coined it himself and presented it to his community and evidently he wants to father it . . ."

* Sri Diwan Bahadur R. SRINIVASAN:—" On a point of personal explanation, Sir. During the regime of the previous Government it was proposed that these people should be called 'Adi-Dravidas' and there was some objection. At that time some said, 'We shall be called "Dravidas"'; but the Government have ordered that they have no objection to their calling themselves by whatever name they liked, but that so far as the Government were concerned they should be called 'Adi-Dravidas.' The word 'Adi-Dravida' was first used by certain depressed class members in 1889 or 1890 at a sangam which was formed in Madras and it follows that it has been in use for a long time. In the Local Boards Act the term 'Adi-Dravida' is used for all the untouchable classes."

* The Hon. Dr. T. S. S. RAJAN:—" I am thankful for the explanation given by my hon. Friend, Diwan Bahadur Srinivasan, but it does not alter the position I have taken up. In fact it does not exclude Adi-Dravidas, but it includes them also and it goes even further than that, namely, if a certain sect of people would like to call themselves Harijans, it was open to them to do so. The term 'depressed classes' is in fact a more distinctive term for untouchables. It is perhaps the one thing we want should be effaced from this country, even from the dictionary of usage. There will come a day when there will be no difference, and no need to have any differentiation, between Adi-Dravida, Dravida and similar things. We expect that as Hindus we shall all be equal and shall go by the one name, 'Hindus,' and by no other name. Before we do so, we have got to take cognizance of the term that is prevailing in the country and

we have included this term. I am sorry, Sir, I cannot accept the amendment of the hon. Member."

The amendment was put and lost.

Clause 2 was put and carried.

Clause 1 was put and carried.

The preamble was put and carried.

* THE HON. DR. T. S. S. RAJAN:—" Sir, I move—

'*that the Bill be passed into law.*' "

The motion was put and carried and the Bill was passed into law.

(2) THE MADRAS PROHIBITION (SECOND AMENDMENT) BILL, 1938 (L.A. BILL NO. 18 OF 1938), AS PASSED BY THE ASSEMBLY.

12-30 p.m. * THE HON. SRI C. RAJAGOPALACHARIAR:—" Mr. President, I beg to move—

'*that the Bill* [a] *further to amend the Madras Prohibition Act,* 1937, *for certain purposes* (*L.A. Bill No.* 18 *of* 1938) *as passed by the Assembly be taken into consideration at once.*'

" The Bill has been circulated. It is an amending Bill. The object of it is to meet the opposition with regard to certain sacramental wines that are necessary for religious purposes, for the performance of certain rites in acordance with ancient custom. Some objection was raised relating to exemptions being placed with regard to permits. They want a statutory provision, though, in practice, it makes no difference and the Government tried to satisfy and explain the position. But in order to give complete satisfaction, the present amendment is proposed. The main object of this amendment is that the Provincial Government is bound to make suitable provision for issuing 'Authorities' to persons and institutions for the possession and use of such liquor as may be required by them for any *bona fide* religious purpose in accordance with ancient custom under such terms and conditions and penalties for infringement as may be prescribed. No particular mention is made with regard to caste and the law has to be so framed that any denomination may take advantage of it. I hope, Sir, the Indian Christian community is satisfied with this provision. As a matter of fact there is no danger of any kind and the experience of the past twelve months has shown that no difficulty

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a Printed as Appendix XI on pages 87–88infra.